

Spina, Providence

From: Spina, Providence
Sent: Monday, August 26, 2019 11:28 AM
To: Kimberly Bick
Subject: RE: Best Choice Products - Consent Agreement Question

Thank you.

Providence Spina
202-564-2722

From: Kimberly Bick <kbick@bicklawllp.com>
Sent: Monday, August 26, 2019 11:25 AM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: Re: Best Choice Products - Consent Agreement Question

That information is okay.

Kimberly Bick
Partner

BICKLAW LLP
exclusively environmental

520 Newport Center Drive Suite 750
Newport Beach, CA 92660
Direct: (949) 432-3502
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From: "Spina, Providence" <Spina.Providence@epa.gov>
Date: Monday, August 26, 2019 at 11:24 AM
To: Kimberly Bick <kbick@bicklawllp.com>
Subject: RE: Best Choice Products - Consent Agreement Question

Hi Kim,

Hope you had a great weekend. Just want to make sure whether BPC wants to preserve the CBI claim for the percentage of containers sold prior to vs. after Nov. 2, 2015? Or is BPC ok with that information being publicly available?

Providence Spina
202-564-2722

From: Spina, Providence
Sent: Wednesday, August 21, 2019 9:05 PM
To: Kimberly Bick <kbick@bicklawllp.com>
Subject: RE: Best Choice Products - Consent Agreement Question

No problem. Nothing needed right now, but I'll get back in touch if that changes.

Just to be clear – BPC will preserve the CBI claim for profits, but waive on the percentage of containers sold prior to vs. after Nov. 2, 2015? Or preserve both sets of information?

We respect BPC's preference on this, I just want to make sure I get it right.

Thanks,

Providence Spina
202-564-2722

From: Kimberly Bick <kbick@bicklawllp.com>
Sent: Wednesday, August 21, 2019 4:48 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: Re: Best Choice Products - Consent Agreement Question

Hi Providence,
My client has decided he wants to preserve CBI for the profits. My apologies for the extra work required on your end. Please let me know what I need to do on this end.

Kimberly Bick
Partner

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From: "Spina, Providence" <Spina.Providence@epa.gov>
Date: Wednesday, August 21, 2019 at 3:53 PM
To: Kimberly Bick <kbick@bicklawllp.com>
Subject: RE: Best Choice Products - Consent Agreement Question

Hi Kim,

Thanks for speaking with me today. As we discussed, the memorandum that will be filed with the EAB in support of the consent agreement contains come information that Best Choice Products claimed as CBI in its response to EPA's Section 114 information request. In addition to the total number of vendors and PFCs sold (which we discussed in a prior exchange, below), the memorandum also provides the following information as part of the penalty justification:

- (1) Exemption 4 - CBI as the total profit from the sale of PFCs between the second quarter of 2014 and May 9, 2017, and
- (2) The percentage of containers sold before November 2, 2015 (67%) versus after (33%).

Please let me know whether Best Choice Products would be comfortable waiving its CBI claim for these two pieces of information. If not, I will pursue the necessary procedures to keep this information confidential.

Please let me know if you have any questions.

Regards,
Provi

Providence Spina
202-564-2722

From: Kimberly Bick <kbick@bicklawllp.com>
Sent: Tuesday, July 09, 2019 5:39 PM
To: Spina, Providence <Spina.Providence@epa.gov>
Subject: Re: Best Choice Products - Consent Agreement Question

Providence,
I can't recall if I responded yet or not (as I have been traveling), so I will respond (again) to make sure. Best Choice is okay with the release of the numbers and the vendor (no longer using the vendor).
Thanks,
Kim

Kimberly Bick
Partner

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exclusively environmental

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From: "Spina, Providence" <Spina.Providence@epa.gov>
Date: Tuesday, July 2, 2019 at 3:58 PM

To: Kimberly Bick <kbick@bicklawllp.com>

Subject: Best Choice Products - Consent Agreement Question

FOR SETTLEMENT PURPOSES ONLY

Hi Kim,

Quick question about the Consent Agreement for Best Choice Products. Paragraphs 20-21 of the Agreement, under the Stipulated Facts Section, identifies (a) the companies from which Best Choice Products purchased its PFCs for resale, and (b) the total number of PFCs sold.

I want to confirm that Best Choice Products' concurrence and signature on this Consent Agreement indicates that the company is comfortable with this information becoming publicly available. Both the company names and the total number of PFCs sold were provided in materials identified as Confidential Business Information (CBI). From Best Choice Products' explanation of the CBI claim, I think the number of PFCs sold is probably not CBI, but perhaps the names of the companies is.

Given that Best Choice Products has signed off on the Agreement, I just wanted to double check the company's position. Please let me know whether Best Choice Products agrees to this information being included in the Consent Agreement, which will be publicly available.

Many thanks,

Providence Spina, Attorney-Advisor
U.S. Environmental Protection Agency
Office of Civil Enforcement, Air Enforcement Division
Ph: 202-564-2722

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